

ORDER BELOW EXH. 80

The present application is made by defendant nos. 1 to 3 praying that the documents exhibited as 50,51,54,57 and 58 be de-exhibited as these documents have not been proved as per the Indian Evidence Act. The plaintiff filed his say at Exh. 83.

2. Perused the application and say. Heard Ld. Advocates for the parties.

3. Ld. Advocate for the defendants submitted that the plaintiff filed his affidavit in lieu of chief examination at Exh. 43. Accordingly, the agreement bearing no. 2677 and 2678 dated 22-07-1996 exhibited as Exh. 57 and 54 respectively, Receipt issued by Jawahar Shetkari Sahakari Sakhar Karkhana Ltd., Hupari as Exh. 58, 50 and 51 respectively. He further submitted that these documents are private documents as per the provision u/s 75 of Indian Evidence Act and the burden to prove these documents is on defendant. He submitted that the agreements at Exh. 57 and 54 can not be straight away exhibited, the plaintiff needs to examine witness to the agreement. Ld. Advocate for the defendant prayed that as witnesses to the above mentioned documents have not been examined by the plaintiff, these documents can not be exhibited. Hence he prayed, that the application be allowed.

4. Ld. Advocate for the plaintiff submitted that at the time of further chief examination of the plaintiff, the defendants have not raised any objection. Consequently the above mentioned documents exhibited. He submitted that the defendant can not raise such objection at this stage. Hence prayed that the application be rejected with cost.

5. Perused the record. It appears that the plaintiff filed his

evidence affidavit at Exh. 43. In further examination the above mentioned documents exhibited by my Ld. Predecessor. Ld. Advocate for the defendant nos. 1 to 4 present there, however he did not raise any objection to exhibition of those documents. The further chief recorded on 20-06-2022. The application at Exh. 18 made on 16-02-2024. Once the documents are exhibited, there is no provision in the law for de-exhibiting it. Moreover exhibiting a document is merely an administrative task, it is done for the purpose of identification of the document as well as for the purpose of reading the document in evidence.

6. Admissibility of exhibited document is altogether a different thing. Every exhibited document need not be admissible as per the standards of evidence law. Burden of proving the document as per the standard mentioned in the evidence act is on the party proposing the document. Moreover, the concern/objection raised by the defendants may be considered at the time of arguments. Therefore, in view of the discussion made above, the application at Exh. 80 stands rejected. No order as to cost.

Sd/-

Date: 08/10/2025.

Place: Ichalkaranji.

(M.S. Gawade)

**5th Jt. Civil Judge Junior Division,
Ichalkaranji.**